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Fresno, California

March 28, 2000

The City Council met in joint session with the Redevelopment Agency at the hour of 8:41 a.m. and later in regular session in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember (arrived later)
	Dan Ronquillo	Councilmember
	Tom Boyajian	Council President

Jeff Reid, City Manager  
Dan Fitzpatrick, Executive Director  
Jess Avila, Assistant City Attorney  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

**(8:30 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

**APPROVE AGENCY MINUTES OF MARCH 21, 2000**

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of March 21, 2000, approved as submitted.

**(“A”) JOINT COUNCIL/AGENCY RESOLUTION NO. 2000-95/1564 - APPROVING AGREEMENTS FOR LAND ASSEMBLY AND FREEWAY 180 FRONTAGE ROAD PURPOSES WITH ELLA H. WEGER TO ACQUIRE 3.12 ACRES AT 310 N. WEST AVENUE (APN 458-060-26) FOR \$90,000, AND JOHN AND PAULINE BONADELLE, TRUSTEES, TO ACQUIRE 1.04 ACRES (APN 458-060-21) FOR \$18,200, AND MAKING CERTAIN FINDINGS**

Redevelopment Administrator Murphey reviewed the staff report as submitted.

On motion of Chair Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2000-95/1564 hereby adopted; and the Executive Director, or his designee, authorized to execute all documents necessary to complete the purchases and transfer the right of way to Caltrans for the frontage road, by the following vote:

Ayes	:	Boyajian, Bredefeld, Mathys, Perea, Quintero, Ronquillo
Noes	:	None
Absent	:	Steitz

Chair Ronquillo commended staff for their efforts and stated he hoped the balance of the matching funds could be approved during budget to continue to build out the Roeding Business Park, with City Manager Reid briefly responding.

**(“B”) REQUEST FOR STATUS REPORT ON THE REGIONAL MEDICAL CENTER PROJECT - COUNCILMEMBER PEREA**

Councilmember Perea requested an update noting last August Community Hospital stated they would submit a construction schedule to the City which had not been received to date and advised they had indicated the hold up was on the City’s end. Director Fitzpatrick gave an update on the project and stated Community had been sitting on the cleared property for 14 months now and he did not understand the delay. Councilmember Steitz arrived at 8:51 a.m.

Extensive discussion ensued with Assistant City Attorney Avila, City Manager Reid and Director Fitzpatrick clarifying issues and responding to Council questions and concerns relative to legal agreements needed, lack of performance on Community’s part, need for the City/Agency to make a decision at some point, loss of tax increment with the delay, paying interest on loans taken out for the project while awaiting Community’s performance, other issues that were outstanding, and if correspondence/communication had been in writing.

Councilmember Perea recommended the Agency Chair and Vice Chair meet with the Community Hospital Board to define outstanding issues to move the project forward. Councilmember Steitz stated meetings had already taken place and emphasized real financial disagreements needed to be worked out and decisions made. Councilmember Quintero questioned how long it had been since the City/RDA had conducted any work for the project and recommended any other projects be discontinued until an agreement was reached. Citing the potential enhancement to Community and the amount they had spent so far on their cardiovascular hospital, Chair Ronquillo stated he didn’t care to hear Community’s excuse for not supplying dollars necessary to complete their part of the contract or at least refund the \$375,000 the City should have been receiving for completing its part.

Speaking to the issue and/or expressing various concerns with the project were: Luisa Medina, P.O. Box 15146; and Barbara Hunt, 944 “F” Street. There was no further discussion.

The joint bodies recessed at 9:11 a.m. to 2:00 p.m. for a joint closed session.

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The City Council convened in regular session at 9:14 a.m. with all members present.

Pastor Bruce Kinabrew gave the invocation and led the Pledge of Allegiance to the Flag.

**PROCLAMATION OF DEMOLAY WEEK**

**RESOLUTIONS OF COMMENDATION TO BULLARD HIGH SCHOOL FINALISTS WHO WILL COMPETE FOR NATIONAL MERIT SCHOLARSHIPS - COUNCILMEMBER MATHYS**

The above proclamation and resolutions were read and presented.

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APPROVE MINUTES OF MARCH 21, 2000

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, RESOLVED, the minutes of March 21, 2000, approved as submitted.

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**APPROVE AGENDA:**

**(5E) REQUEST CITY MANAGER TO PROVIDE AN UPDATE ON LEASE AGREEMENT NEGOTIATIONS FOR 1231 VAN NESS AVENUE - COUNCILMEMBER RONQUILLO**

Removed from the agenda by Councilmember Ronquillo who advised the City had reached lease terms and the matter would be back in two weeks.

**(1A-6) APPROVE AVIATION LAND LEASE AND AGREEMENT WITH CLIFF HANGAR INVESTMENTS, LLC (CHI), WHEREBY 66 NEW AIRCRAFT T-HANGARS WOULD BE CONSTRUCTED AT FRESNO CHANDLER DOWNTOWN AIRPORT**

Removed from the agenda by staff.

**(1A-8) APPROVE ACQUISITION OF PROPERTY AT THE NORTHEAST CORNER OF MAPLE AND INTERNATIONAL FOR FIRE STATION 21 AND PUMP STATION 310**

Removed from the agenda by staff.

**(11:10 A.M.) REQUEST CITY MANAGER TO WAIVE SELLAND ARENA RENTAL FEES IN THE AMOUNT OF \$11,300 FOR THE "GO FOR IT" ROADSHOW MAY 8-12 - ACTING PRESIDENT BREDEFELD**

Removed from the agenda; to be rescheduled.

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-1) APPROVE AGREEMENT WITH THE FRESNO COUNTY FIRE PROTECTION DISTRICT FOR AUTOMATIC AID FIRE PROTECTION SERVICES TO BE MUTUALLY PROVIDED BY EACH AGENCY TO THE OTHER AS SITUATIONS AND INCIDENTS DEMAND; AND AUTHORIZE THE FIRE CHIEF TO EXECUTE AND SIGN THE AGREEMENT ON BEHALF OF THE CITY**

**(1A-2)** APPROVE CONTRACT CHANGE ORDER NO. 3 FOR A 41 WORKING DAY TIME EXTENSION FOR THE 12KV POWER DISTRIBUTION SYSTEM AT THE FRESNO/CLOVIS REGIONAL RECLAMATION FACILITY; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO APPROVE THE CHANGE ORDER ON BEHALF OF THE CITY

**(1A-3)** AWARD A CONTRACT TO STEVE DOVALL CONSTRUCTION IN THE AMOUNT OF \$178,000 TO CONSTRUCT WELLHEAD TREATMENT IMPROVEMENTS AT PUMP STATION 308

**(1A-4) RESOLUTION NO. 2000-96** - AUTHORIZING THE PURCHASE AND INSTALLATION OF FOUR ADDITIONAL, MATCHING INTELLIFLOW MODEL IF-30 FLOW MONITORS, THE RELOCATION OF FOUR EXISTING MONITORS, AND THE PURCHASE OF PROFILE SOFTWARE INCLUDING TRAINING AND EXTENDED UPGRADES FROM ADS ENVIRONMENTAL SERVICES, INC. WITHOUT ADVERTISED COMPETITIVE BIDDING, UNDER THE SOLE SOURCE EXCEPTION

**(1A-5) RESOLUTION NO. 2000-97** - AUTHORIZING THE SUBMITTAL OF GRANT APPLICATIONS TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) FOR ALL AVAILABLE GRANTS UNDER THE CALIFORNIA OIL RECYCLING ENHANCEMENT ACT AND ALL AVAILABLE HHW GRANTS UNDER THE CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT FOR THE PERIOD JUNE 30, 2000, TO JUNE 30, 2003; AND AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS AND CONTRACT TO IMPLEMENT THE PROJECT

**(1A-7) RESOLUTION NO. 2000-98** - AUTHORIZING SUBMITTAL OF A GRANT APPLICATION TO THE NATIONAL PARK SERVICE UNDER THE URBAN PARK AND RECREATION RECOVERY PROGRAM (UPARR) TO REHABILITATE THE FRANK H. BALL PLAYGROUND; AND AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE AND SUBMIT ALL DOCUMENTS, INCLUDING BUT NOT LIMITED TO, PREAPPLICATIONS, APPLICATIONS, AGREEMENTS, AMENDMENTS AND PAYMENT REQUESTS WHICH MIGHT BE NECESSARY FOR THE COMPLETION OF THE PROJECT

**(1A-10) RESOLUTION NO. 2000-99** - APPROVING THE FINAL MAP OF TRACT NO. 4824/UGM, AN 85-LOT SINGLE-FAMILY RESIDENTIAL GATED PLANNED DEVELOPMENT SUBDIVISION, PROPERTY LOCATED ON THE NORTH SIDE OF E. TEAGUE BETWEEN N. CHESTNUT AND N. WILLOW AVENUES; AND ACCEPTING DEDICATED PUBLIC USES THEREIN

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, UGM FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF A LIEN

**(1A-11)** APPROVE AMENDMENT NO. 3 WITH PARSONS BRINCKERHOFF, INC. FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL AND CONCOURSE EXPANSION PROJECT CONSTRUCTION DOCUMENTS REVIEW AND PRELIMINARY CONSTRUCTION MANAGEMENT SERVICES SUBJECT TO FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY (FAA AIP GRANT NOS 22, 24, 25, 28, 29, 31 AND 32)

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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Visiting Edison High School students were recognized and welcomed.

**(9:15 A.M.) APPEARANCE BY CHARLES TINGEY AND BRIAN DECKER, ON BEHALF OF THEIR CLIENT, TO PRESENT AN OFFER AND DIRECTION TO STAFF TO NEGOTIATE THE PURCHASE OF APPROXIMATELY FIVE ACRES KNOWN AS THE BLOSSER PROPERTY, LOCATED AT THE NORTHWEST CORNER OF N. BRAWLEY AND W. PALO ALTO AVENUES, FOR THE PURPOSE OF BUILDING AN EIGHTY-ONE (81) BED SENIOR ASSISTED LIVING FACILITY DEDICATED TO ALZHEIMER'S OR DEMENTIA CARE**

Mr. Tingey advised his client indicated there was a need for a senior-assisted living facility in northwest Fresno and he “zeroed in” on the Blosser property for such a facility; stated an offer was made and negotiations began with the City last December; noted the Bambino League proposal came into the picture which put his project in limbo; and stated his client was anxious for an answer on the proposal and requested Council approve the concept and accept the offer. Mr. Tingey advised of a correction to the above agenda title for the record clarifying 15 of the 81 beds would be for Alzheimer patients. City Manager Reid concurred all statements were fairly accurate and stated due to Council’s direction to staff to move forward on the Bambino League, the Tingey proposal negotiations were in a state of suspense **(2 - 0)**.

Speaking in opposition to the location of the project citing safety issues were: Woody Gregory, 7394 N. McCampbell Drive; Dr. Ronald Nelson, 4180 W. Alluvial; John Krikorian, 4159 W. Alluvial; and Bill Darnell, 4157 W. Kelley.

Jim Coehlo, 7175 N. Doolittle, spoke in support of the ball park proposal stating it would be a good use for the property and a benefit to the entire community.

Barbara Hunt, 944 “F” Street, spoke in opposition to the subject proposal; Kathleen Gregory; 7394 N. McCampbell, requested Council take a poll of those for or against the proposal; and Tim Bakman, 5470 E. Liberty, representing the baseball park, urged Council to make a determination either way emphasizing interested parties needed to know.

Lengthy discussion ensued with Mr. Gregory and Mr. Reid responding to questions of Councilmember Ronquillo relative to potential increase in air traffic and airport expansion, airport guidelines the project would fall within, and if the proposal has been the only offer received on the property. Councilmember Mathys stated the airport took precedence with this issue, stated there was always talk about the need for more parks and he was seeing a lack of cooperation from the City’s administration, and spoke in support of the ball park proposal adding he wanted negotiations to continue with the Bambino League.

Mr. Reid responded to questions of Acting President Bredefeld relative to agreement reached with Mr. Tingey on the property price. Councilmember Perea stated the issue boiled down to the most appropriate use for the property, concurred parks were needed but questioned if the subject property was the best place for a ballpark, and stated he would support moving forward to get additional information on the subject proposal.

Relative to earlier comments towards staff, Mr. Reid reiterated staff followed prior direction on the Bambino proposal, stated negotiations were suspended with Mr. Tingey so Council would not be suspect, emphasized Mr. Tingey was seeking a yes or no answer and advised it would be difficult to pursue both proposals simultaneously, noted both proposals had similar issues relative to compliance with the master plan and explained, and clarified issues relative to the price of the property.

Proceedings were briefly interrupted to hear the **9:30 A.M. Item.**

**(9:30 A.M.) PRESENTATION OF A BOOKLET ENTITLED “COMMUNITY TREASURES” TO COUNCIL DISTRICT 3 BY 10<sup>TH</sup> GRADERS OF THE EDISON HIGH SCHOOL MODERN WORLD HISTORY BUSINESS TEAM - COUNCILMEMBER RONQUILLO**

Presentation made by Teacher Lauren Brooks and students Erica Jimenez and Maria Salazar.

**(9:15 A.M. - CONTINUED)**

Mr. Reid responded to questions of Councilmember Steitz relative to cost for off-site improvements for the Bambino League proposal. Councilmember Ronquillo briefly left the meeting at 10:20 a.m. Councilmember Steitz directed staff to schedule an item in one week for a Council decision on the subject offer, which was subsequently changed to 2 weeks. Mr. Reid further clarified issues relative to what was necessary to sell the property **(3 - 0)**. Brief discussion ensued on options with City Attorney Montoy advising staff would report back in two weeks on all issues and hurdles to pursue either the Bambino League or Tingey proposal.

On motion of President Steitz, seconded by Councilmember Mathys, duly carried, **RESOLVED**, staff to report back on April 11th at 10:00 a.m. on all issues for Council action to pursue either the Bambino League or Tingey proposal, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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**(10:00 A.M.) APPROVE EXTENSION OF SIX-MONTH MORATORIUM IF STUDY IS NOT COMPLETED WITHIN THE PRIOR SIX-MONTH TIME FRAME ESTABLISHED BY COUNCIL REGARDING ONCE-A-WEEK COLLECTION OF GARBAGE, GREEN WASTE AND RECYCLING TO BE SERVICED FROM THE ALLEY IN NEIGHBORHOODS WHO DESIRE TO HAVE THEIR SERVICE REMAIN IN THE ALLEY - COUNCILMEMBER QUINTERO**

Upon request of Councilmember Quintero, City Attorney Montoy clarified issues and recommended Council either place the Mayor’s Executive Order (EO), which she stated frustrated and substituted prior Council policy for curbside collection, on the agenda to be dealt with or take action on the issue as scheduled this date, and added a section in the code mandating alley pickup also needed to be addressed. City Manager Reid stated information requested from the City Attorney relative to the Mayor’s powers and authorities had not been received nor had any information come forth to convince him that the EO was outside the bounds of the Mayor’s authority, advised the EO would be followed, and elaborated further on the EO and whether or not it was a legislative act.

Councilmember Steitz stated the issue was moot as the current ordinance called for alley pickup and alley pickup would continue with the current administration. Councilmember Ronquillo commented briefly on the charter and authorities and stated Council should stay with prior direction given and wait the full six months for a staff report. Mr. Reid further clarified what staff had done to address AB 939, reiterated he did not feel Council's action was a legislative act, and stated the EO put the whole issue to bed and it was consistent with Council direction given over the last several months.

Councilmember Quintero directed staff place the Mayor's Executive Order on the April 4<sup>th</sup> agenda for action, and Councilmember Ronquillo requested staff provide a map of areas with alley service and recommended the three affected Councilmembers meet to determine direction and propose appropriate legislation.

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Visiting 5<sup>th</sup> through 12<sup>th</sup> grade students from Craycroft School were recognized and welcomed.

**(10:30 A.M.) CONTINUED HEARING ON PRIME CONTRACTOR'S REQUEST PURSUANT TO PUBLIC CONTRACT CODE SECTION 4107.5 TO SUBSTITUTE SUBCONTRACTORS BASED ON CLAIM OF INADVERTENT CLERICAL ERROR FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT TERMINAL/CONCOURSE EXPANSION PROJECT**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. City Attorney Montoy gave a brief overview of the issue. Purchasing Manager Taggart advised declarations had been received relative to how the clerical error occurred, stated based on those declarations and no objections staff was withdrawing it objection and recommended Council allow the inadvertent error and approve Soltek Pacific's request to substitute subcontractors.

Speaking in support of staff's recommendation were: Robert Marks, representing Soltek Pacific, 3900 Harvey St., San Diego; and Barbara Hunt, 944 "F" Street.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, Soltek Pacific's request for substitution of subcontractors due to an inadvertent clerical error under Public Contract Code Section 4107.5 hereby allowed, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
noes	:	None
Absent	:	None

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**(10:45 A.M.) REQUEST CITY MANAGER TO CHANGE THE PROCEDURE REGARDING BID WORK RELATIVE TO CONCRETE SIDEWALKS, CURBS AND GUTTERS; MITIGATE/TERMINATE FEES RELATIVE TO ENGINEERING, ADMINISTRATION, INSPECTION AND DUPLICATION OF SERVICES AND FEES, AND DIRECT A UNIFORM PROCEDURE BE ESTABLISHED BY RESOLUTION - PRESIDENT BOYAJIAN**

President Boyajian reviewed the issue stating he wanted a clear formalized procedure on the process and expressed his concerns with the length of time taken to begin construction on projects and the exorbitant fees. Councilmember Perea left the meeting at 10:55 a.m. and returned after the lunch recess.

Speaking to the issue were: Barbara Hunt, 944 "F" Street; **(4 - 0)** Mark Holland, 1846 W. Indianapolis, local contractor and AGC Board Member; Doug Scheidt, 3874 W. Fir; and Ed O'Neill, 8645 N. Maple, Construction Industry Force Account Council.

City Manager Reid stated he would provide the procedure manual to President Boyajian along with information on how to access his infrastructure budget, explained the current process, and requested the name of the project manager for District 1 so he could look into identified projects.

Lengthy discussion ensued with Mr. Reid, City Attorney Montoy and Mr. O'Neill responding to Council questions relative to what was necessary to allow the private sector to bid some of the work, current bid policy, if infrastructure projects were being done more cost-effectively in-house, staff meeting with Mr. O'Neill, President Boyajian's intent, difference with President Boyajian's and Mr. O'Neill's requests, and including the construction industry in budget discussions.

Councilmember Ronquillo stated he concurred with the City Manager that neighborhood projects were being done more cost-effectively in-house and he was very happy with the City's efforts. President Boyajian stated he, too, applauded the City's administration for work performed and reiterated what he wanted was a uniform procedure he could understand. There was no further discussion.

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**(11:00 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-33, REZONING APPLICATION NO. R-99-49, AND RELATED ENVIRONMENTAL ASSESSMENT, FILED BY DONALD BREMSETH, PROPERTY LOCATED ON THE NORTH SIDE OF W. DAKOTA EAST OF THE W. DAKOTA AND N. WEST AVENUE INTERSECTION, REGARDING CONVERSION OF AN EXISTING BUILDING TO A CHURCH FACILITY**

- 1. CONSIDER ENVIRONMENTAL ASSESSMENT/NEGATIVE DECLARATION NO. A-99-33/R-99-49/S-99-304**
- 2. RESOLUTION NO. 2000-100 - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN**
- 3. BILL NO. B-28 - ORDINANCE NO. 2000-31 - AMENDING THE OFFICIAL ZONE MAP TO RE ZONE FROM C-1 TO C-P**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the finding of a Negative Declaration for Environmental Assessment No. A-99-33/R-99-49/S-99-304, issued 2/16/00, hereby approved; the above entitled Resolution No. 2000-100 hereby adopted; and the above entitled Bill No. B-28 rezoning the subject property adopted as Ordinance No. 2000-31, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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**(5A) CONSIDER ESTABLISHING TERM LIMITS FOR APPOINTEES TO THE TOWER DISTRICT DESIGN REVIEW COMMITTEE**

**1. SET POLICY WHEREIN CURRENT COUNCIL REPRESENTATIVE WILL HAVE APPOINTING AUTHORITY - PRESIDENT BOYAJIAN**

President Boyajian noted there was currently no policy and requested input. Councilmember Ronquillo stated he was happy with the status quo as Councilmembers presently had the ability to appoint or remove members at their discretion, with City Manager Reid concurring adding committee members served at the pleasure of the appointing Councilmember. Councilmember Quintero advised he periodically requested updates from staff who provide assistance to the committees on members' attendance at meetings.

On motion of President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled **Item 5A** tabled, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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**(5B) \* RESOLUTION NO. 2000-101 - 84<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$200 FROM DISTRICT 1'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND \$100 TO FRESNO CITY COLLEGE PARTNERS IN PRIDE EVENT, AND \$100 FOR THE BIKE 2000 EVENT - PRESIDENT BOYAJIAN**

On motion of President Boyajian, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-101 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	Perea

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**(5C) REQUEST CITY MANAGER TO PROVIDE REPORT ON FISCAL IMPACT OF DOWNTOWN METER REMOVAL BY APRIL 18, 2000, AND SCHEDULE A PUBLIC HEARING ON STUDY RESULTS OF METER REMOVAL ON APRIL 25<sup>TH</sup> AT 5:10 P.M. - COUNCILMEMBER RONQUILLO**

**1. DISCUSS AND PROVIDE DIRECTION REGARDING RE-ESTABLISHMENT OF DOWNTOWN PARKING METERS AND ALLOCATION OF FUNDS TO DOWNTOWN AREA, AND DIRECTION TO STAFF REGARDING THE PROCESS - COUNCILMEMBER RONQUILLO AND PRESIDENT BOYAJIAN**

Councilmember Ronquillo stated he felt it was time to review the impact on the removal of the parking meters stating the removal had cost taxpayers approximately \$700,000 a year. Acting President Bredefeld stated he felt Council should consider reinstalling the meters stating they were removed with good intentions but it should be recognized as a failed effort. Councilmember Ronquillo clarified he wanted a staff report and public hearing to obtain input from downtown merchants and the community **(5 - 0)**.

Councilmember Mathys stated he supported the removal and still did; noted there was no metering at Riverpark or Fashion Fair; and stressed free parking was necessary to stimulate downtown. Councilmember Steitz concurred with Councilmember Mathys, stated he hoped staff's report would also show the economic impacts of the removal, and stressed the downtown parking problem needed to be dealt with.

A motion and second was made to approve the request as outlined above. Acting President Bredefeld noted the removal of meters had not resulted in a rush of people coming downtown and reiterated a \$700-\$800,000 revenue stream to the City was given away when meters were removed. Councilmember Steitz left the meeting at 11:59 a.m.

Barbara Hunt, 944 "F" Street, spoke to the issue.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager requested to provide a report on the fiscal impact on removal of downtown parking meters, and a public hearing on study results of parking meter removal set for April 25, 2000, at 5:10 p.m., by the following vote:

Ayes	:	Bredefeld, Quintero, Ronquillo, Boyajian
Noes	:	Mathys
Absent	:	Perea, Steitz

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**LUNCH RECESS - 12:00 NOON - 2:22 P.M.** All members were present.

**(5D) DISCUSS CRIME STOPPERS' REQUEST REGARDING FE WAIVER FOR USE OF EXHIBIT HALL FOR THE ANNUAL "JOIN THE FORCE" FUND RAISER ON JUNE 10, 2000 - COUNCILMEMBER PEREA**

Resolved administratively with City Manager Reid advising the fees had been provided for.

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**(1A-9) REQUEST FOR APPROPRIATION OF FUNDS FOR POSSIBLE PURCHASE OF STREET MAINTENANCE OPERATIONS YARD**

**1. \* RESOLUTION NO. 2000-102 - 87<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$280,000 FOR POSSIBLE PURCHASE OF THE STREET MAINTENANCE OPERATIONS YARD**

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Resolution No. 2000-102 appropriating \$280,000 for the cost of acquiring a replacement street maintenance yard hereby adopted; and the Public Works Director authorized to pursue acquisition of an appropriate parcel subject to fair market value limitations and environmental and zoning considerations, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5F) DISCUSS PREPARATION OF A BALLOT MEASURE AMENDING THE CHARTER TO REQUIRE THE APPOINTMENT OF THE CITY MANAGER BE APPROVED BY THE CITY COUNCIL - COUNCILMEMBER RONQUILLO**

Briefly reviewed by Councilmember Ronquillo who stated the measure would have no affect on the current city manager; stressed the intent was for voters to approve Council's concurrence of the new mayor's appointment; and clarified in staying within the guidelines of the current form of government the mayor would be the only one who could remove the city manager.

City Manager Reid advised he had an opportunity to research the background of the City's transition to the Strong Mayor Form of Government, stated he felt the matters being brought forth were serious and needed to be thought about in a larger serious context, reviewed the background of the transition, and stated if Council was going to move towards amending the charter a citizens' charter review committee process should be undertaken due to other related technical issues and elaborated.

Acting President Bredefeld stated he would support the measure as it would improve the system and would in no way dilute it adding a city manager needed to work with the Council or the City would not function well. Councilmember Mathys stated the measure would dilute the Strong Mayor Form of Government, noted the intent of the strong mayor form was to give the mayor the ability to put together a team led by a city manager, and concluded stating if Council did not have confidence in the mayor or the electorate who elected the mayor then Council should go entirely back to the weak form of government.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the City Attorney directed to prepare and return with a ballot measure amending the Charter to require Council approval of the appointment of the City Manager, by the following vote:

Ayes	:	Bredefeld, Perea, Ronquillo, Boyajian
Noes	:	Mathys, Quintero, Steitz
Absent	:	None

Upon question of Acting President Bredefeld, City Attorney Montoy stated the direction to staff was not subject to the Mayor's veto but the subsequent resolution would be.

Councilmember Steitz advised he would be placing the issue of forming a Charter Review Committee on the April 11<sup>th</sup> agenda.

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### **(3A) CONSIDERATION OF REPORT RELATED TO NEW DEVELOPMENT IMPACT FEES FOR NORTHEAST FRESNO POLICE SUBSTATION**

Development Director Yovino advised Deputy Police Chief Frost and Capt. Martin were in attendance to answer questions, reviewed the staff report as submitted, and stated staff had concluded new development in the extreme northeast area could not pay more than 20% of the cost for the substation

Jeff Harris, Building Industry Association, spoke to the issue.

Councilmember Perea stated he felt the 20% figure was too low, questioned what was analyzed for the study, how much of the study was objective, who would challenge a fee of 50% or 100%, if the BIA would challenge the higher fee, if staff's report met AB 1600 requirements, and what was necessary to move the process forward, with Mr. Yovino, Mr. Harris and City Attorney Montoy responding.

Mr. Yovino and Ms. Montoy responded at length to questions of Acting President Bredefeld relative to consideration of vacant land, UGM fees, **(6 - 0)** why fees weren't collected for police substations, UGM fees paying for facilities and not operation/maintenance costs, if a nexus could be made between new development and its impact on police services, why it would be difficult to make that relationship, if an analysis could be conducted with comparable cities and what they were doing for policing services or substations, and if direction was needed to conduct that study. Ms. Montoy advised the impact fee route may not be legally permissible if Council went beyond the fair share and noted assessments and taxes were other options that could be considered to pay for the substation.

Acting President Bredefeld made a motion to move the issue forward for action on the report, with Mr. Reid responding the report was concluded and the next step would be a resolution to adopt the fee.

Discussion ensued on need for a substation in the northeast area, if fees received were limited to areas in which they were raised, need to raise funds for future inner-city costs, if county funding would come into play with the substation, issues relative to Fire Station #15, inability to collect impact fees until development occurred, schools and substation provided if the urban reserve was opened to development, and if staff's report/study met AB 1600 requirements or if a further study was needed.

Councilmember Perea made a motion to direct staff to return with a fee resolution, which was seconded and acted upon after additional discussion.

Councilmember Steitz stated he would oppose the motion as it would set new UGM fees for a substation but leave the taxpayers and general fund liable for the remaining \$1.2 million Deputy Chief Frost and Mr. Reid responded to questions of Councilmembers Steitz and Quintero relative to lack of police coverage in the northeast area, the new substation's impact on the current station, timeline to build the substation, need for a new northeast station, and consideration/feasibility of utilizing an existing shopping center or building until development occurred. Councilmember Steitz stated after hearing the police department's testimony relative to need for a new substation he changed his position stating a new station made sense as the City was growing that way.

Mr. Yovino and Deputy Chief Frost responded briefly to questions of President Boyajian relative to needed fee amounts per home, funding source for the remaining 80%, and need to deal with the issue of northeast growth during the general plan update with President Boyajian stating he did not support paying any percentage for the substation. Mr. Reid reiterated staff would be supporting and recommending the 20% fee.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, staff directed to return with an appropriate resolution implementing the report's findings and implementing an impact fee, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	Mathys, Ronquillo
Absent	:	None

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**(3B) \* RESOLUTION - 86<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$50,000 FOR DESIGN COST ESTIMATES OF CONSTRUCTING A PARKING GARAGE FOR THE SELLAND ARENA/EXHIBIT HALL**

Councilmember Ronquillo stated it was important for Council to move forward on the issue and made a motion to adopt the resolution, which motion was seconded and acted upon after discussion.

City Manager Reid responded to questions and concerns of Councilmember Perea relative to how much of the \$50,000 Andros & Gunner was paying since it would be a dual structure, if G&A had been contacted about these costs, if they had an obligation to pay since they would benefit, when the comprehensive parking study report would be received, if this issue was part of Phase I of the convention center remodel/update, and utilizing Club One and parking meter revenues. Councilmember Perea stated he would not be supporting the motion.

Councilmember Ronquillo stated Council was always talking about the need for additional parking, emphasized G&A were investing a lot of dollars just to see if their downtown project was viable, stressed it was unfair to expect G&A to pay the cost when the city was in dire need of parking, and urged Council to support the resolution.

Mr. Reid responded to questions of Acting President Bredefeld relative to G&A benefitting if the issue moved forward, where the proposed parking structure would be built, and if the costs were for design of the garage. Acting President Bredefeld stated G&A should be funding the cost and he would not support the motion. Councilmember Ronquillo emphasized this was a city need and reiterated the structure was necessary for a future hotel, the Federal Courthouse and to determine what the revenue source would be.

A motion of Councilmember Ronquillo, seconded by President Boyajian, to adopt the above entitled Resolution appropriating \$50,000 for design costs for a dual purpose parking structure for the Selland Arena/Exhibit Hall and the Richard Gunner project failed, by the following vote:

Ayes	:	Ronquillo, Steitz, Boyajian
Noes	:	Bredefeld, Mathys, Perea, Quintero
Absent	:	None

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**(3C) \* RESOLUTION NO. 2000-103 - 85<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$100,000 FOR DESIGN COST ESTIMATES OF MODERNIZING MEETING ROOMS, CONVERSION OF CONVENTION CENTER EXHIBIT HALL TO A GRAND BALLROOM AND REMODELING THE SOUTH ARENA LOCKER ROOM**

On motion of Councilmember Perea, seconded by President Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2000-103 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

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**(3D) COUNCIL DIRECTION TO CHANGE STATED BUDGETARY PURPOSE FOR THE SENIOR CITIZENS' CENTER BY APPROPRIATING THE 88<sup>TH</sup> AMENDMENT TO THE AAR**

**1. \* RESOLUTION NO. 2000-104 - 88<sup>TH</sup> AMENDMENT TO AAR 99-181 APPROPRIATING \$150,000 FIR THE SENIOR CITIZENS' CENTER**

A motion and second was made to adopt the resolution. Councilmember Ronquillo stated the staff report was clear that the intent of the funds were for start-up costs and urged Council to hold off and appropriate the money at

the appropriate time. Mr. Reid responded to questions of Councilmember Quintero and President Boyajian relative to another resolution appropriating \$1 million from a different funding source and what the \$150,000 was intended for and conditioned upon.

On motion of Councilmember Quintero, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-104 hereby adopted by the following vote:

Ayes	:	Bredefeld, Mathys. Perea, Quintero, Steitz, Boyajian
Noes	:	Ronquillo
Absent	:	None

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**(2:00 P.M.) CLOSED SESSION:**

**A. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JEFFREY REID, ANDREW SOUZA, JORGE AGUINIGA - EMPLOYEE ORGANIZATION: FCEA MOU EXTENSION**

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:**

1. MYRNA LORAN V. CITY OF FRESNO, ET AL.
2. CITY OF FRESNO V. LESLIE BUSICK, ET AL.

**C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION:**

1. PATRIOT HOMES FRESNO V. CITY OF FRESNO; PATRIOT HOMES FRESNO II V. CITY OF FRESNO
2. CLAIM OF MICHAEL R. DOWDY

**D. JOINT SESSION WITH THE REDEVELOPMENT AGENCY - CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: BOUND BY N. CLARK, E. MCKENZIE, N. FRESNO AND E. DIVISADERO - NEGOTIATING PARTIES: CITY OF FRESNO, REDEVELOPMENT, COMMUNITY MEDICAL CENTERS - UNDER NEGOTIATION: PRICE, TERMS OF PAYMENT, AND OTHER TERMS OF CONVEYANCE**

The Council met in regular and joint closed session in Room 2125 at the hour of 4:10 pm. to consider the above issues.

(Per the City Attorney, the following announcement was to be made post closed session: "There is one announcement. In the matter of **Item C-2**, Council considered the Claim of Michael R. Dowdy regarding a claim for personal injuries in the amount of \$1,000,000 for injury which allegedly occurred on 8/17/99. Claimant contends there was a dangerous condition of public property in the design of Shaw Avenue. Council denied the claim by a vote of 6 to 1 with Councilmember Ronquillo absent.")

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 4:45 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2000.

\_\_\_\_\_  
Tom Boyajian, Council President

ATTEST: \_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk

**135-151**

**3/28/00**